

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - N/S Old Battle Grove Road, 1045' W of the c/l North Point Boulevard (7656 Old Battle Grove Road) 15th Election District 7th Councilmanic District \* BEFORE THE \* DEPUTY ZONING COMMISSIONER \* OF BALTIMORE COUNTY \* Case No. 92-336-XA

Randolph H. Howdershell, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception in which the Petitioners request approval to use the subject property as a fishing and shellfishing facility, shoreline, and a fish and shellfish facility, shoreline, Class 1, in accordance with Petitioners' Exhibit 5; and a Petition for Zoning Variance seeking relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the minimum required 20 feet, and a rear yard setback (waterfront side) of 0 feet in lieu of the minimum required 30 feet; from Section 413.1.a to permit three existing signs of 13.3 sq.ft. each in lieu of the maximum permitted 25 sq.ft., in accordance with Petitioner's Exhibit 5.

The Petitioners, Randolph and Bonnie Howdershell, appeared, testified and were represented by Walter I. Self, Jr., Esquire. Numerous residents of the community, including the adjoining property owners, appeared on behalf of the Petitioners. There were no Protestants.

Testimony indicated that the subject property, known as 7656 Old Battle Grove Road, consists of 0.37 acres, more or less, zoned D.R. 5.5, and is improved with a single family dwelling, shed, cold box, and an accessory building identified as an enclosed patio on Petitioner's Exhibit 5. Said property is located within the Chesapeake Bay Critical Areas on

Bear Creek. The Petitioners filed the instant Petition to legitimize their use of the property as a result of a complaint filed with the Zoning Administration and Development Management Office. Testimony indicated that the Petitioners have operated a commercial crabbing business from the premises since August 1980. The business is operated by the Petitioners and their son under the name "Bonnie's Crabs". Testimony indicated that the Petitioners sell live crabs only from the premises and that their business is mainly that of local residents. The Petitioners testified that the relief requested as to signage is necessary to legalize three existing signs, one of which identifies the family's residence, and the other two advertise the Petitioners' business. Testimony indicated that the Petitioners have operated the subject business from this location for over 10 years without prior complaint and that their use of the property existed prior to the adoption of Critical Areas legislation. In support of their request, the Petitioners submitted into evidence several pages of a signed Petition, marked Petitioner's Exhibit 4, indicating that numerous residents of the area, including the immediately adjoining property owners, have no objections to the Petitioners' request. Petitioners further argued that to require strict compliance with the zoning regulations would result in practical difficulty and unreasonable hardship for them.

It is clear that the B.C.Z.R. permits the use proposed in a D.R. 5.5 zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and

requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Pritts, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore Coun-

ty; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 900.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the

health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 15th day of April, 1992 that the Petition for Special Exception to approve the use of the subject property as a fishing and shellfishing facility, shoreline, and a fish and shellfish facility, shoreline, Class 1, in accordance with Petitioners' Exhibit 1, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance seeking relief from Section 1801.2.C.1 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a side yard setback of 2 feet in lieu of the minimum required 20 feet, and a rear yard setback (waterfront side) of 0 feet in lieu of the minimum required 30 feet; from Section 413.1.a to permit three existing signs of 13.3 sq.ft. each in lieu of the maximum permitted 25 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

1) The Petitioners may apply for their permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The variance relief granted herein is limited to the three signs depicted on Petitioner's Exhibit 5. The Petitioners are restricted to the three signs in their present size, location, design and wording. In

the event it becomes necessary to replace a sign, the Petitioners shall comply with the zoning regulations in effect at that time or file a new Petition.

3) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated April 8, 1992, attached hereto and made a part hereof.

TMK:hjs

*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

Suite 113 Courthouse  
400 Washington Avenue  
Towson, MD 21204

April 15, 1992

(410) 887-4386

Walter I. Self, Jr., Esquire  
1314 Bedford Avenue, Suite 107  
Pikesville, Maryland 21208

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE  
N/S Old Battle Grove Road, 1045' W of the c/l of North Point Boulevard  
(7656 Old Battle Grove Road)  
15th Election District - 7th Councilmanic District  
Randolph H. Howdershell, et ux - Petitioners  
Case No. 92-336-XA

Dear Mr. Self:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,  
*Timothy M. Kotroco*  
TIMOTHY M. KOTROCO  
Deputy Zoning Commissioner  
for Baltimore County

TMK:hjs

cc: Chesapeake Bay Critical Areas Commission  
Taves State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

*File*

## 353 CRITICAL Petition for Special Exception

to the Zoning Commissioner of Baltimore County

92-336-XA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for use as a fishing and shellfishing facility, shoreline, and a fish and shellfish facility, shoreline, Class 1

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

Walter I. Self, Jr., Esq.

(Type or Print Name)

Signature

Address

City and State

Pikesville, MD 21208

City and State

Attorney's Telephone No.:

(410) 486-3878

Legal Owner(s):

(Type or Print Name)

Signature

Address

City and State

Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Walter I. Self, Jr.

1314 Bedford Ave., Ste. 107

Pikesville, MD 21208

City and State

Name

Walter I. Self, Jr.

1314 Bedford Ave., Ste. 107

Pikesville, MD 21208

City and State

Attorney's Telephone No.:

(410) 486-3878

ORDER RECEIVED FOR FILING

Date 4/15/92

By *Walter I. Self, Jr.*



OFFICE USE ONLY  
ESTIMATED LENGTH OF HEARING - 1/2HR.  
AVAILABLE FOR HEARING  
MON.-TUES.-WED. - NEXT TWO MONTHS  
ALL OTHER  
REVIEWED BY: DATE

353  
CRITICAL  
**Petition for Variance**  
to the Zoning Commissioner of Baltimore County  
92-336-XA  
for the property located at 7656 Old Battle Grove Road, Baltimore, MD 21222  
which is presently zoned D.R.5.5

This Petition shall be filed with the Office of Zoning Administration & Development Management.  
The undersigned legal owners of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof hereby petition for a Variance from Sectional:  
1 B01.2C1 : to permit side yard of two feet and rear yard of 0 feet  
And  
413.1a: To permit signs

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (indicate hardship or practical difficulty)  
because the existing structures on the property are in violation of the present Zoning Regulations or Statutes.  
to permit three (3) signs having an area of 13.3 feet containing an advertisement in lieu of permitted S. F.  
Property is to be posted and advertised as prescribed by Zoning Regulations.  
I or we agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County

Walter I. Seif, Jr., Esq.  
1314 Bedford Avenue, Suite 107  
Pikesville, MD 21208  
(410) 486-3878

1/15/92  
Rsp

353  
FROM THE OFFICE OF  
GEORGE WILLIAM STEPHENS, JR. & ASSOCIATES, INC.  
ENGINEERS  
1048 KENILWORTH DRIVE, SUITE 100, TOWSON, MARYLAND 21204  
February 27, 1992  
RE: Howdershell Property  
7656 Old Battle Grove Road

Plat to Accompany Petitions  
For A Special Exception and  
Variances.

Beginning at a point on the north side of Old Battle Grove Road 40' wide  
westerly 1045'± from the center line of North Point Boulevard thence in a clockwise  
direction:  
1 - North 82° 31' West 50 feet±  
2 - Northerly 315 feet±  
3 - Northeasterly 62 feet± and  
4 - Southerly 351 feet± to the place of beginning.  
Containing 16,600 S.F. of land more or less.

(THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT TO BE USED IN  
CONVEYANCES OR AGREEMENTS.)

STATE OF MARYLAND  
COUNTY OF BALTIMORE  
REGISTERED PROFESSIONAL ENGINEER  
No. 3501

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: \_\_\_\_\_ Date of Posting: 3/19/92

Posted for: \_\_\_\_\_

Petitioner: \_\_\_\_\_

Location of property: \_\_\_\_\_

Location of Signs: \_\_\_\_\_

Remarks: \_\_\_\_\_

Posted by: \_\_\_\_\_ Date of return: 3/19/92

Number of Signs: 3

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case Number: 92-336-XA  
N/S Old Battle Grove Road, 1045'±/- W of c/l North Point Boulevard  
7656 Old Battle Grove Road  
15th Election District  
7th Councilmanic District  
Petitioner(s): Randolph H. and Bonnie R. Howdershell  
Hearing Date: Friday, April 10, 1992 at 9:00 a.m.  
Special Exception for use as a fishing and shellfishing facility, shoreline and a fish and shellfish facility, shoreline Class I.  
Variance to permit side yard of 2 ft. and rear yard of zero feet and to permit signs.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner of Baltimore County  
NJ3214 March 18

CERTIFICATE OF PUBLICATION  
THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/19/92.

NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER  
S. Zeke Orlm  
Publisher  
\$75.01

CERTIFICATE OF PUBLICATION  
TOWSON, MD., 3/19/92  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 3/19/92.

THE JEFFERSONIAN  
S. Zeke Orlm  
Publisher

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
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N/S Old Battle Grove Road, 1045'±/- W of c/l North Point Boulevard  
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Special Exception for use as a fishing and shellfishing facility, shoreline and a fish and shellfish facility, shoreline Class I.  
Variance to permit side yard of 2 ft. and rear yard of zero feet and to permit signs.  
LAWRENCE E. SCHMIDT  
Zoning Commissioner of Baltimore County  
NJ3214 March 18

receipt  
Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, Maryland 21204  
Date: \_\_\_\_\_  
Account # 001 6150  
Number: \_\_\_\_\_  
Cashier Validation: \_\_\_\_\_

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3353  
DATE: 3/27/92  
Randolph and Bonnie Howdershell  
7656 Old Battle Grove Road  
Baltimore, Maryland 21222  
RE:  
CASE NUMBER: 92-336-XA  
N/S Old Battle Grove Road, 1045'±/- W of c/l North Point Boulevard  
7656 Old Battle Grove Road  
15th Election District - 7th Councilmanic  
Petitioner(s): Randolph H. and Bonnie R. Howdershell  
Dear Petitioner(s):  
Please be advised that \$ 75.01 is due for advertising and posting of the above captioned property.  
THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.  
Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.  
Arnold Jablon  
DIRECTOR  
cc: Walter I. Seif, Jr., Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3353  
MARCH 11, 1992  
NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:  
Case Number: 92-336-XA  
N/S Old Battle Grove Road, 1045'±/- W of c/l North Point Boulevard  
7656 Old Battle Grove Road  
15th Election District - 7th Councilmanic  
Petitioner(s): Randolph H. and Bonnie R. Howdershell  
HEARINGS: FRIDAY, APRIL 10, 1992 at 9:00 a.m.  
Special Exception for use as a fishing and shellfishing facility, shoreline and a fish and shellfish facility, shoreline Class I.  
Variance to permit side yard of 2 ft. and rear yard of zero feet and to permit signs.  
Zoning Commissioner of Baltimore County  
cc: Randolph and Bonnie Howdershell  
Walter I. Seif, Jr., Esq.

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
Office of Planning & Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204  
(410) 887-3353  
April 6, 1992  
Walter I. Seif, Jr., Esquire  
1314 Bedford Avenue, Suite 107  
Pikesville, MD 21208  
RE: Item No. 353, Case No. 92-336-XA  
Petitioner: Randolph H. Howdershell  
Petition for Special Exception  
Dear Mr. Seif:  
The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.  
Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.  
The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.  
1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.





111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

Your petition has been received and accepted for filing this  
5th day of March, 1992.

*Arnold Jablon*  
ARNOLD JABLON  
DIRECTOR

Received By:

*W. Carl Richards Jr.*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Randolph H. Howdershell, et ux  
Petitioner's Attorney: Walter I Seif



700 East Joppa Road Suite 901  
Towson, MD 21204-5500

(301) 887-4500

MARCH 16, 1992

Arnold Jablon  
Director  
Zoning Administration and  
Development Management  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: RANDOLPH H. HOWDERSHELL AND  
BONNIE R. HOWDERSHELL

Location: #7656 OLD BATTLE GROVE ROAD

Item No.: 353 Zoning Agenda: MARCH 17, 1992

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by  
this Bureau and the comments below are applicable and required to be  
corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *Capt. John P. ...* Noted and  
Approved  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JP/KEK

RECEIVED  
MAR 12 1992  
ZONING OFFICE

BALTIMORE COUNTY, MARYLAND  
INTER OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: March 13, 1992  
Zoning Administration and Development Management

FROM: Robert W. Bowling, P.E.

RE: Zoning Advisory Committee Meeting  
for March 17, 1992

The Developers Engineering Division has reviewed  
the subject zoning items and we have no comments for  
Items 335, 338, 339, 343, 347, 348, 349, 350, 352 and  
353.

For Item 351, the site is subject to the previous  
minor subdivision comments.

For Item 355, the site must be submitted through the  
minor subdivision process for review and comments.

*Robert W. Bowling*  
ROBERT W. BOWLING, P.E. Chief  
Developers Engineering Division

RWB:s

RECEIVED  
MAR 17 1992  
ZONING OFFICE

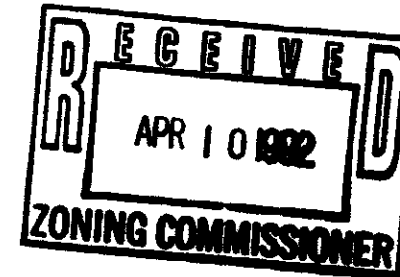
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold E. Jablon, Director  
Office of Zoning Administration  
and Development Management

DATE: April 8, 1992

FROM: J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 353  
Howdershell Property  
Chesapeake Bay Critical Area Findings



SITE LOCATION

The subject property is located at 7656 Old Battle Grove Road.  
The site is within the Chesapeake Bay Critical Area and is classified  
as a Limited Development Area (LDA).

APPLICANT'S NAME Mr. and Mrs. Randolph Howdershell

APPLICANT PROPOSAL

The applicant has requested a Special Exception for "use as a  
fishing and shellfishing facility, shoreline; and a fish and  
shellfish facility, shoreline Class I; and a variance from Section  
1801.2C1 and 413.1a of the Baltimore County Zoning Regulations to  
permit a side yard of two feet and a rear yard of 0 feet and to permit  
signs".

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all  
project approvals shall be based on a finding which assures that  
proposed projects are consistent with the following goals of the  
Critical Area Law:

1. "Minimize adverse impacts on water quality that result from  
pollutants that are discharged from structures or conveyances  
or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake  
Bay Critical Area which accommodate growth and also address  
the fact that even if pollution is controlled, the number,  
movement, and activities of persons in that area can create  
adverse environmental impacts." <COMAR 14.15.10.01.>

ORDER RECEIVED FOR FILING  
Date *4/8/92*  
By *JJD*

Memo to Mr. Arnold Jablon  
April 8, 1992  
Page 2

DEFINITIONS

"Development activities means the construction or substantial  
alteration of residential, commercial, industrial, institutional, or  
transportation facilities or structures."

REGULATIONS AND FINDINGS

1. Regulation: "All siting, development, and redevelopment and  
expansion of water-dependent facilities within the buffer must  
strictly conform to the criteria set forth in the County  
Water-Dependent Facilities Manual" <Baltimore County Code,  
Section 26-454(2)>.

Findings: No development is proposed in conjunction with this  
zoning petition. All structures were existing at the time of  
Critical Area Program approval and therefore, are allowed to  
remain. However, any new development, redevelopment or expansion  
within the 100 foot buffer must conform to the criteria in the  
County's Water-Dependent Facilities Manual.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal  
is in compliance with the Chesapeake Bay Critical Area Regulations and  
Findings listed above. This proposal does comply with Chesapeake Bay  
Critical Area Regulations, and is therefore approved. If there are any  
questions, please contact Ms. Patricia M. Farr at 887-2904.

*J. James Dieter*  
J. James Dieter, Director

JJD:NSP:ju  
Attachment

cc: Mr. and Mrs. Randolph Howdershell

HOWDERS/TXTN55

ORDER RECEIVED FOR FILING  
Date *4/8/92*  
By *JJD*

BUREAU OF TRAFFIC ENGINEERING  
DEPARTMENT OF PUBLIC WORKS  
BALTIMORE COUNTY, MARYLAND

DATE: April 8, 1992

TO: Mr. Arnold Jablon, Director  
Office of Zoning Administration  
and Development Management

FROM: Rahee J. Famili

SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: March 17, 1992

This office has no comments for item numbers 335, 338, 339, 343, 347,  
349, 350, 351, 352, 353 and 355.

*Rahee J. Famili*  
Rahee J. Famili  
Traffic Engineer II

RJF/Lvd

RECEIVED  
APR 9 1992  
ZONING OFFICE

111 West Chesapeake Avenue  
Towson, MD 21204

March 26, 1992

(410) 887-3353

Walter I. Seif, Jr., Esquire  
Suite 107  
1314 Bedford Avenue  
Pikesville, MD 21208

RE: Preliminary Petition Review (Item #353)  
Legal Owner: Randolph Howdershell, et ux  
7656 Old Battle Grove Road  
15th Election District

Dear Mr. Seif:

This correspondence is in reference to a petition filed at the  
request of the petitioner/attorney without the normal petition review. All  
revisions must be accompanied by a \$75.00 fee.

The following are unaddressed zoning issues or incomplete required  
information:

1. The request for Special Exception should list either "Fishing and  
Shellfishing Facility, Shoreline, Class I" or "Fishing and  
Shellfishing Facility, Shoreline, Class II".
2. The variance should be more complete including the section numbers  
from the B.C.C.R. and the required or maximum figures along with  
the requests. Also, all requests should be listed in said area  
instead of the hardship locations and requests should match the  
site plan.

If you need further information or have any questions, please do  
not hesitate to contact Mitch Kellman at 887-3391.

Very truly yours,

*WCR*  
W. Carl Richards, Jr.  
Zoning Coordinator

By: Mitchell J. Kellman  
Planner II

MJK:ecj

Printed on Recycled Paper

Inter-Office Correspondence

TO: Ervin McDaniel, Chief  
Development Review Section - OPZ

DATE: April 13, 1992

FROM: Timothy M. Kotroco  
Deputy Zoning Commissioner

SUBJECT: Petitions for Special Exception and Zoning Variance  
N/S Old Battle Grove Rd., 1045' W of the c/l North Point Blvd.  
(7656 Old Battle Grove Road)  
15th Election District - 7th Councilmanic District  
Randolph H. and Bonnie R. Howdershell - Petitioners  
Case No. 92-336-XA

Thank you for your comments dated April 7, 1992 concerning the  
above-captioned matter. For your information, your comments were not  
received by this Office until two hours after the hearing took place on  
this matter on April 10, 1992.

While I consider the Zoning Plans Advisory Committee comments to  
be a very valuable part of the zoning process, due consideration cannot be  
given to them unless they are delivered to this office in sufficient time  
for review prior to the hearing. Further, it is patently unfair to the  
Petitioners to be required to respond to comments for which they have had  
no prior opportunity to review. In the instant case, the Petitioner and  
their attorney, Walter I. Seif, Jr., had no knowledge of your comments in  
this matter until after the hearing and as such, were unable to address  
your concerns at the hearing. Therefore, I have taken the position that  
unless comments are received by both the Petitioner and the Zoning Com-  
missioner's Office prior to the hearing taking place on the matter, those  
comments will not be considered nor will they be made a part of the  
record. Therefore, your comments in this matter are being returned to you  
and will not be considered a part of the record.

It is hoped that we can avoid this unfortunate incidence in the  
future.

cc: Walter I. Seif, Jr., Esquire  
1314 Bedford Avenue, Suite 107, Pikesville, Md. 21208

Case File

WALTER I. SEIF, JR.  
ATTORNEY AT LAW  
1314 BEDFORD AVENUE, SUITE 107  
PIKESVILLE, MARYLAND 21208  
OFFICE (410) 486-3878  
FAX (410) 486-7966

92-336-XA

WALTER I. SEIF, JR.

March 4, 1992

Director, Environmental Protection  
And Resource Management  
County Office Building  
Towson, MD 21204

REGISTERED MAIL: RETURN RECEIPT REQUESTED

Re: 7656 Old Battle Grove Road

Dear Mr. Director:

Enclosed herewith please find two copies of Plat on the  
above captioned property. Please review for critical areas on the  
map and report your findings to the Zoning Commissioner.

It would be appreciated if you could review this at your  
earliest convenience as same is now a hardship on the owners.

Very truly yours,

*Walter I. Seif, Jr.*  
Walter I. Seif, Jr., Esq.

WIS:ps  
ENC.

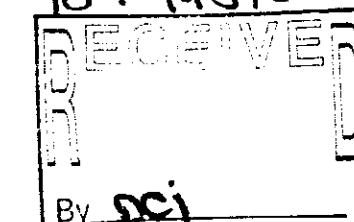
CC: Mr. & Mrs. Howdershell

WALTER I. SEIF, JR.  
ATTORNEY AT LAW  
1314 BEDFORD AVENUE, SUITE 107  
PIKESVILLE, MARYLAND 21208  
OFFICE (410) 486-3878  
FAX (410) 486-7966

92-336-XA

WALTER I. SEIF, JR.

To: MJK



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
Bonnie R. Howdershell	7656 Battle Grove Rd 21222
RANDOLPH H. HOWDERSHELL	7656 OLD BATTLE GROVE RD
Rich Romeo	3823 ANNAPOLIS RD, 21222
John S. Kline	4111 EIGHTH AVE
Richard Rucinski	1307 SHORE RD. 21229
William J. Wood	7622 Old Battle Grove Rd
VERNON WATKINS	4041 N. Jt. Road Balto Md 21222
Barbara Kelley	7622 Old Battle Grove Rd
Samuel J. Brown	3112 Riverdale Rd 21216
Dan W. Pappas	8924 Union Ave 21219

Dear Neighbors,

This is a letter of special request, I am asking for your support:  
As you all know, I have been operating my commercial crabbing from my  
property at 7656 Old Battle Grove road, for the past 10 years with no  
opposition from my Neighbors. However at this time, someone has filed  
a complaint with Baltimore County Department of Zoning. Now, so that I  
may continue to go on in the future as I have in the past, I must file  
for a special exception. With your signature, it may help me, in how the  
zoning board decides my case.

Thank You,

*Bonnie R. Howdershell*  
Bonnie R. Howdershell

Member of: Baltimore Co. Watermans Asso.

Richard Romeo	3823 ANNAPOLIS RD, Balto 21222
Richard Romeo	1307 SHORE RD. 21229
John S. Kline	4111 EIGHTH AVE
William J. Wood	7622 Old Battle Grove Rd
VERNON WATKINS	4041 N. Jt. Road Balto Md 21222
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Bonnie R. Howdershell

Member of: Baltimore Co. Watermans Asso.

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zoning board decides my case.

Thank You,

*Bonnie R. Howdershell*  
Bonnie R. Howdershell

Member of: Baltimore Co. Watermans Asso.

Ron Coffey	3106 Lynch Rd 21219
Thomas J. Brown	23 Riverside Rd 21221
Off. M. J. Cadden	7521 Fort Ave (Buenos Aires) 21052
Mary Krasner	7525 Fort Ave 21052
Gene Krasner	7525 Fort Ave 21052
Edward A. Brown	2980 Redwood Ave 21219
Priscilla E. Bange	1903 Hwy Way 21222
Robert J. Brown	2009 Ritchie Hwy 21219
Reto Matt	2909 Wall's Rd 21219
Richard D. Brown	1705 Shady Road 21222
Frank D. Wells	9234 Todd Ave 21052

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Thank You,

*Bonnie R. Howdershell*  
Bonnie R. Howdershell

Member of: Baltimore Co. Watermans Asso.

Malcolm K. Kline	3015 Ross Ave. 21219
Perry Bragg	7807 Schlar Rd. 21222
Anna M. Cadden	6900 7th Rd 21219
John C. Kline	909 Rembrandt Ave. 21224
JEFF VAN KORTHUIS	7301 CHESAPEAKE AVE, EUGENE
James D. Duda	7837 Charlesment Rd. Balto, Md 21222
John Duda	7837 Charlesment Rd Balto Md 21222
Mark Michael	7641 Heintzwater Rd 21219
George Malibu	2913 Ross Ave 21219
Danah Marshall	3104 Grace Rd 21219
Jeffrey	2405 OAK MANOR RD. 21219.

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Bonnie R. Howdershell

Member of: Baltimore Co. Watermans Asso.

Richard A. Romeo	3823 ANNAPOLIS RD, Balto 21222
Estelle White	3823 ANNAPOLIS RD, Balto 21222
Paul E. Brown	3517 ANNAPOLIS RD, Balto, Md 21222
Paul Nelson	3817 ANNAPOLIS RD, Balto, Md 21222
R.P. Rygleman	7902 MATTHEW RD. 21222
Emily Offenberg	3819 ANNAPOLIS RD. BALTO. MD 21222
Paul Offenberg	3819 ANNAPOLIS RD BALTO. MD 21222
Anna Chenoweth	3821 ANNAPOLIS RD Balto Md 21222
Karl Eriksson	3821 ANNAPOLIS RD Balto Md 21222
Joseph Gramann	3821 ANNAPOLIS RD Balto Md 21222

C.E. Pickett Jr.	#5 STREBOE RD. BALTO MD 21219
KE Allen	Edgewood MD 21040
A. BARDA	37 LORING CT BALTIMORE, MD 21219
BOHLEN FENGEL	3104 GRACE RD. APT 203 BALTO. 21219
Robert J. Brown	7333 CHARMAN AVE 21219
Paul Brown	9207 N. Rd. Fort Howard MD 21052
Emily Boshare	2805 11th Street Balto. MD 21219
Robert E. Bock	70 N. WOODWARD RD. BALTO. MD 21221
John Duda	4718 HUGHES AVE 21219
Barb Duda	1975 Greenock Rd. Pasadena 21122
Mark Duda	3009 Ritchie Ave Edgemore MD 21219



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*Bonnie R. Howdershell*  
Bonnie R. Howdershell

Member of: Baltimore Co. Watermans Asso.

Donna Wolf	417 Osmond Rd. Balt MD 21222
Brian Leary	4116 Eden Rd. Balt MD 21224
Jonni Brown	7500 St. Clair Blvd. Balt MD 21222
Ha-PH Lee	7815 E. Calhoun Dr. Balt MD 21222
Bob Carre	7839 St. Claire La. Balt MD 21222
Terri Chafin	7839 St. Claire La. "
Ashley Chafin	7839 St. Claire Lane "
David Baker	7916 St. Monica Dr. Balt MD 21222
FRED ROSS	1960 HASELMERE RD. BALTO MD 21222
Frank Willis	7823 ST. Gregory DR. BALTO MD 21222
B. Coffey	2360 Sumner Rd. Balt MD 21222

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FRED ROSS	1960 HASELMERE RD. BALTO MD 21222
Frank Willis	7823 ST. Gregory DR. BALTO MD 21222
B. Coffey	2360 Sumner Rd. Balt MD 21222

To whom it may concern,

Feb 29

I have been the Howdershell's next door neighbor since I moved here about two years ago. After crabbing and sales business has never been a disturbance to me.

The house I live in was my aunt's and uncle's for years prior to my moving here. In all my years of visiting and growing up I don't recall either of them having complaints about the adjoining property's crabbing business.

Bonnie and Randy Howdershell are, without exception, considerate of their neighbors in all aspects. Their yard is well kept, the equipment is stored in a tidy fashion and there is never an odor problem connected to the business.

I'm very thankful to have such responsible business owners as neighbors and I hope they will be permitted to continue as they wish.

Sincerely Yours,  
Janne Boyd  
7656 Old Battle Grove Road  
Dundalk, Maryland 21222  
(410) 477-5000

Pet Ex 2

To whom it may concern,

We have never had a problem with Bonnie Howdershell, raising crabs at 7656 Old Battle Grove Rd. Baltimore MD 21222. We have lived next door to Bonnie at 7653 Old Battle Grove Rd. for the past 10 years. In that time we have never had a problem with Bonnie's crabbing business. Bonnie and Randy are very considerate of their neighbors in all aspects. Their yard is well kept, the equipment is stored in a tidy fashion and there is never an odor problem connected to the business. I'm very thankful to have such responsible business owners as neighbors and I hope they will be permitted to continue as they wish.

Sincerely Yours  
Mr. & Mrs. James Stephens  
7653 Old Battle Grove Rd.  
Baltimore MD 21222  
(410) 477-5000

Pet Ex 3

Feb. 29, 1992

To whom it may concern,

We are neighbors of Bonnie Howdershell and understand that she is now having a problem with zoning and may have to close her crabbing operation. Although our property lines are approximately one hundred feet from each other we have no objection to her operating from her property.

She works hard to keep her property neat and clean as possible. We have never experienced odors coming from that direction even with the heat of summer and the windy weather we sometimes have. She is very considerate of her neighbors and is very early in closing at an early hour so as not to disturb her neighbors. We spend a lot of time outdoors in the warm weather months and have never been disturbed.

Please consider her appeal to be zoned commercial as we enjoy the convenience of dealing with her also.

Sincerely yours,  
Mr. & Mrs. James Stephens  
7650 Old Battle Grove Rd.  
(410) 477-4094

Dear Neighbors,

This is a letter of special request, I am asking for your support:  
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Thank You,

*Bonnie R. Howdershell*  
Bonnie R. Howdershell

Member of: Baltimore Co. Watermans Asso.

Jim Kasper	7658 Old Battle Grove Rd
Charles J. Butt	7660 Old Battle Grove Rd
Patrick P. Butt	1305 Dundalk Ave
John Mapell	7662 Old Battle Grove Rd
Mark S. Butt	7664 Old Battle Grove Rd
Sherwood Ramsey	7666 Old Battle Grove Rd
Bonnie Howdershell	7668 Old Battle Grove Rd
Samuel Howdershell	7670 Old Battle Grove Rd
John Simons	7672 Old Battle Grove Rd
John Gray	7674 Old Battle Grove Rd
Walter Schaffer	7676 Old Battle Grove Rd

Pet Ex 4

Scott Grabs

477-4709

Peelers

Pet Ex #6

Bonnie's  
CRABS

7656 Battle Grove Road

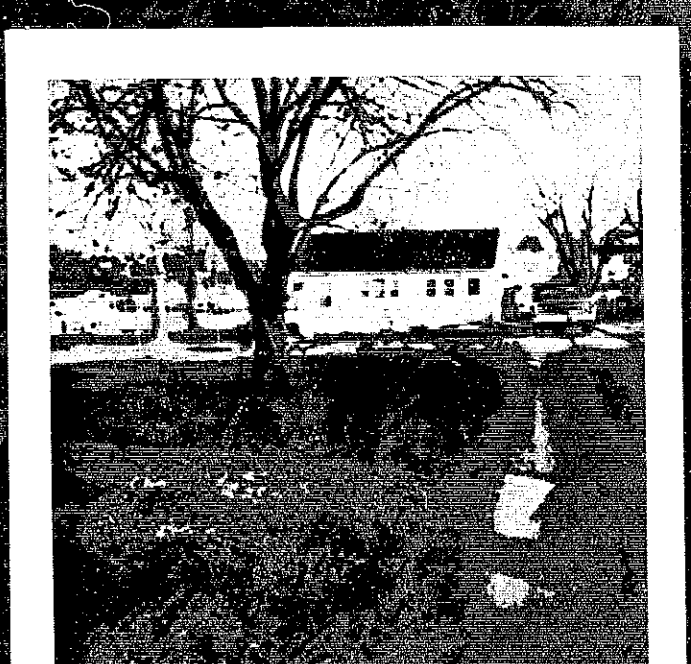
Dundalk, Md. 21222

Crab Pits #7A

Petitioner's  
Exhibits 7A-7E  
(5 photographs)  
Case 92-336-XA



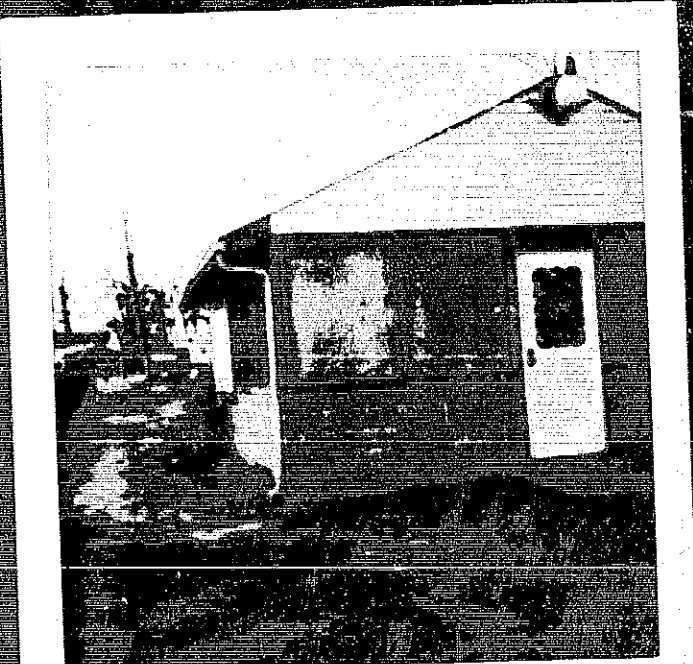
7654 7656 7658  
Old Battle Grove Rd B



Taken from 3/4 way up  
in drive way C



Walk in box D



Taken from bulkhead  
toward street (Greenhouse)



A detailed street map of the North Point area in Baltimore, Maryland. The map shows major roads like Patuxent Road, North Point Road, and the Baltimore-Washington Parkway. It also shows the locations of several schools, including North Point Elementary School, North Point Middle School, and North Point High School. The map is labeled with 'SITE' and 'Ex 41'.

## GENERAL NOTES

- 

PHOTO ⑨

[illegible]

PHOTO ④

PHOTO (3)

PHOTO (2)

PHOTO ①

11" x 28" SINGLE FACE  
1 SIGN 2.15<sup>00</sup>±

.521 x .961  
 (LIVE CRAB)  
 SEASONAL W/ 2 SIGNS  
 DOUBLE FACE TOTAL  
 1.11 SF 3.26 SF

(BONNIE) LIVE (GRASS)  
2.5' x 4' = 10 SF  
SEASONAL  
W/3 SIGNS TOTAL = 13.3 SF

SIGNS: VARIANCE FROM SECT 413.12  
TO PERMIT 3 SIGNS HAVING AN  
AREA OF 13.2'SF CONTAINING ADVER  
TISING IN LIEU OF PERMITTED 15.F.

NON RESIDENTIAL SETBACKS  
VARIANCES FROM SECT. 1B01.2C1:  
1. SIDE YARDS OF 2' IN LIEU OF 20'  
2. FRONT YARD OF 0' IN LIEU OF 40'  
OR A REAR YARD OF 0' IN LIEU  
OF 30' (ALONG WATER)

THE HOWDERSHELL PROP.  
7656 OLD BATTLE GROVE RD

## CRITICAL AREA FINDINGS PLAN

**#353** AND  
PLAT TO ACCOMPANY A PETITION  
FOR A SPECIAL EXCEPTION FOR  
AN (EX. FISHING & SHELLFISHING  
FACILITY, SHORELINE CLASS I)  
PER SECT 1801.16.7A IN AND  
VARIANCES IN A DR 5-5 ZONE  
PALTO, CO. NP - ELECT DIST 15 - FEB 1992

Fishing and Shellfishing Facility, Shoreline: A principal use that consists of the buildings, equipment or other facilities necessary to accommodate the onshore activities of a fishing and shellfishing business (including retailing or wholesaling of the catches) and that is situated on a lot on the shoreline of tidal waters. [Bill No. 30, 1978.]

Fishing and Shellfishing Facilities, Shoreline, Class 1: A shoreline fishing and shellfishing facility that can accommodate a fishing business no larger than that entailing the use of no more than 2 commercial fishing boats and that is situated on a shoreline that occurs on the primary residence of its operator, who is a person required to have a license by the Department of Title 4 of the Natural Resources Article of the Annotated Code of Maryland. For the purposes of these Regulations, a "commercial" fishing vessel must include a boat more than 45 feet long. (Bill No. 30, 1978.)



GEORGE WILLIAM STEPHENS, JR.  
AND ASSOCIATES, INC.

CIVIL ENGINEERS &amp; LAND SURVEYORS

658 KENILWORTH DRIVE, SUITE 100  
TOWSON, MARYLAND 21204  
(301) 825-8120

PROJECT PLANNER: JAMES S. KLINE	PROJ. N° 6957
---------------------------------	---------------

PLAN SCALE: 1" = 30'